

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TAIWAN BURTON, #167305,

Petitioner,

vs.

JAMES DELOACH, et al,

Respondents,

)
2008 JUN -4 A 8:53
)

DEBRA P. HACKETT
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA. CIVIL ACTION NO. 2:06cv 141-WHA
(WO)
)

MOTION TO APPEAL THE DISMISSAL OF PETITIONER
WRIT OF HABEAS CORPUS PETITION

The Petitioner, Taiwan Burton, is appealing his petition for the dismissal of his Writ of Habeas Corpus that the Middle District has denied on the June 20th of May, 2008, because of time barred but the petitioner has shown in his petition that the out time filing of his petition was not his fault in which it was stated in petition motion the it was ineffective assistance of both counsel's that he obtained which was found in petitioner's motion as well in his records that were obtained by the courts that showed that both counsel's fail to perform to their ability as a counsel should have performed for his client's which was never performed.

Petitioner Taiwan Burton, has raised all the issues that happen during his trial with counsel Mr. John C. Cason petitioner former counsel how he lied about the fifteen (15) split (3) year sentence that Petitioner plead guilty for but never received instead petitioner received ninety-nine (99) years instead after he told petitioner Taiwan Burton's mother and sister that he had spoken with the Hon. Judge Charles Price and District Attorney at the time of trial Ms. Brenda Watson and Probation Officer Mr. Charles Lee he informed all these people of the plea agreement that was made between he and all cast, DNA was taken and the DNA never matched petitioner but petitioner was never informed of this matter.

"The petitioner is seeking for relief on petition for his writ of habeas that was dismissed by the court of the Middle District because of time barred not his fault for filing his Rule 32 Petition on time when a attorney is barred from legal practice he is barred from performing legal practice which was shown in the petitioner motion.

The petitioner is praying that the Honorable Court will reverse it's decision from the dismissal of his petition and grant petitioner's appeal for a hearing of his writ of habeas in petitioner's favor.

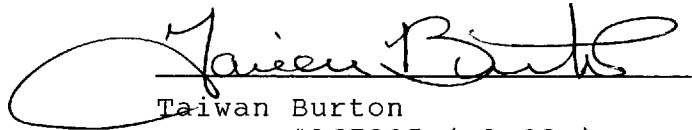
Cohen v. Beneficial Indus. Loan Corp, 337 U.S. 541,546, 69 S.Ct. 1221, 1225-26, 93 L.Ed. 1528 (1949); Atlantic Fed. Sav. & Loan Ass'n v. Blythe Eastman Paine Webber, Inc., 890 F.2d 371, 376 (11th Cir. 1989); Gillespie v. United States Steel Corp., 379 U.S. 148, 157, 85 S.Ct. 308, 312 13 L.Ed.2d 199 1964).

State Cites:

Drayton v. State, 600 So.2d 1088, 1901 (Ala.Crim.App.1992) (emphasis original); Strother v. State, 612 So.2d 1359 (Ala.Crim.App.1992); McShaun v. State, 608 So.2d 449 (Ala.Crim.App. 1992); Smith v. State, 609 So.2d 449 (Ala.Crim.App.1992).

Therefore, petitioner is asking the for the decision of the court to be reversed and granted in the petitoner favor of his Writ of Habeas Corpus.

Respectfully Submitted,

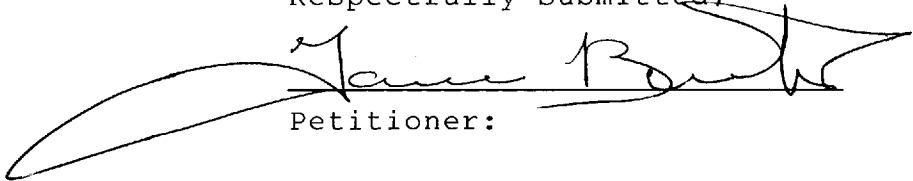
A handwritten signature in black ink, appearing to read "Taiwan Burton", written over a horizontal line.

Taiwan Burton
A.I.S. #167305 (11-28B)
Draper Corr. Ctr.
P.O. Box 1107
Elmore, AL 36025-1107

CERTIFICATE OF SERVICE

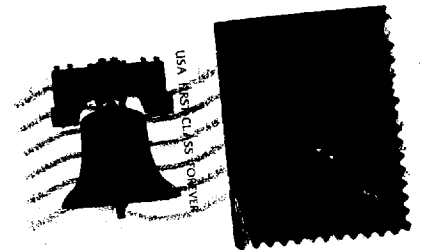
I hereby that on this 3 day of June, 2008, a copy of the forgoing motion has been served by first class mail, postage prepaid on the office of the United States District Clerk P.O. Box 711 Montgomery, Alabama 360101-0711

Respectfully Submitted,


Petitioner:

TAIWAN BURTON
A.I.S. #167305
DRAPER CORR. CTR. (11-28B)
P.O. BOX 1107
ELMORE, ALABAMA 36025-1107

MONTGOMERY AL 361
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OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
P.O. BOX 711
MONTGOMERY, ALABAMA 36101-0711

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